

EXHIBIT 12

FIALKA-FELDMAN v. OAKLAND UNIVERSITY BOARD OF
TRUSTEES, ET AL

JANICE FIALKA

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Prepared for you by



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1 Q. Yes.
2 A. I don't recall. No, I don't have a copy.
3 Q. Who told you about this?
4 A. There was a letter -- this was a handwritten letter
5 that was given to Micah, indicating that she was
6 not -- she or he, I don't -- was not comfortable
7 sharing -- giving her name, but she wanted Micah to
8 know or he wanted Micah to know that this policy was
9 not always abided by.
10 Q. So there's an anonymous letter out there somewhere, is
11 that true, is that what you're saying?
12 A. That's true. I mean --
13 Q. You don't know who wrote that letter?
14 A. I do not.
15 Q. And neither does your husband or Micah know?
16 A. I have not ever heard a name mentioned.
17 Q. And you've not seen that memorandum that you were
18 referring to yourself?
19 A. No.
20 Q. Do you have any other facts that would support --
21 A. Do I have any other facts --
22 Q. Are you aware of any other facts that would support a
23 contention that the statement --
24 A. Not that I recall.
25 Q. -- Dr. Wiggins made in a memo is not true?

1 Snyder.
2 Q. Do you recall when that occurred?
3 A. I would guess the spring. The spring or -- March,
4 April, May.
5 Q. Micah met with Vice President Snyder?
6 A. Yes.
7 Q. You were not there?
8 A. No, I wasn't there.
9 Q. Okay. And was your husband there?
10 A. No.
11 Q. What did he tell you about that meeting?
12 A. He said that Mr. Maten was there and he didn't know
13 that he was coming. He said that he showed her all
14 the information and she said that he could not live in
15 the dorm.
16 Q. Did she say why, did he tell you?
17 A. I don't know then if he used the term degree-seeking
18 student, so I don't know. I -- you know, the sense
19 was, you know, it's a policy.
20 Q. And he's not a degree-seeking student, is he?
21 A. If I understand the term -- well, define for me what a
22 degree-seeking student is.
23 Q. Is he pursuing a program where he's going to -- which
24 is going to culminate in his receiving a college
25 degree?

1 A. Not that I recall.
2 Q. You said that a friend helped Micah complete the
3 application?
4 A. That would be -- that's my memory and sort of my
5 impression because that's usually typically what
6 happens.
7 Q. Is it possible that your husband did it?
8 A. Uh-huh, yeah. It's possible.
9 Q. Do you know, if it were a friend, who it would have
10 been?
11 A. No, I don't know which one. You know, there's
12 probably about -- there's several friends that Micah
13 will often go to for...
14 Q. So Dr. Wiggins is saying, and I'm just paraphrasing,
15 that it's still an open issue and he's going to be
16 pursuing it in these e-mails, correct?
17 A. That's how I read it.
18 Q. Okay. What next do you.
19 Recall with regard to the housing issue?
20 A. What do I recall next? That Micah, with the help of
21 both Rich and I, prepared a packet of materials,
22 letters of support, if you will, of recognition of his
23 abilities. Was -- this packet was prepared and Micah
24 then took it to and met with -- made an appointment.
25 First, made an appointment with and met with Mary Beth

1 A. At this point, no, as far as I know.
2 Q. He's not earning any credits either, isn't that true?
3 A. No. You know, there was discussion of continuing
4 education units and I don't know the status of that.
5 Q. When you said no, you were agreeing with me, he's not
6 currently earning any credits; is that correct?
7 A. Right.
8 Q. Okay. What happened -- so he had a meeting with
9 Dr. Snyder. What happened after that, with regard
10 to --
11 A. He followed up --
12 Q. -- the housing issue?
13 A. -- with a letter.
14 We were -- he was surprised and
15 disappointed. He -- so not much happened in the next
16 couple of months. Micah leaves for the summer. And
17 when he returned from the summer camp experience, he
18 said that he wanted to continue to work on living in
19 the dorm, that that was important to him and so --
20 Q. Where did he go to camp?
21 A. He goes to Camp Tamarack in Ortonville.
22 Q. For how long, how long is he --
23 A. Eight weeks.
24 Q. Eight?
25 A. Eight. Overnight.